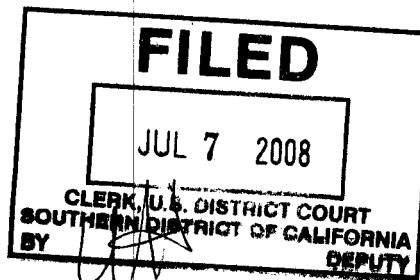


Attorney Name and Address:

Robert H. Rexrode
427 C Street, Suite 300
San Diego, Ca. 92101



PHONE: (619) 233-3169

RETAINED ☒ APPOINTED ☐

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TRIAL JUDGE Hon. Larry A. Burns

COURT REPORTER Eva Oemick

UNITED STATES OF AMERICA

vs.

MARK NEEL (2)

NOTICE OF APPEAL (Criminal)

07cr 3355 LAB

Notice is hereby given that Mark Neel
defendant/plaintiff above named, hereby appeals to the United States Court of Appeals for the
Ninth Circuit from the: (check one)
(☒) Final Judgment
(☐) Sentence Only (sentence imposed)
(☐) Order (describe)
entered in this proceeding on the 30th day of June, 2008
If a government appeal: Was the filing of this appeal approved in accordance with 18 U.S.C.
§3742(b)(4) Yes No

Date: 06/30/2008

Transcripts required* ☒ Yes ☐ No

Signature

Date (☒) Indictment (☐) Information Filed: 12/12/2008

Bail status Mr. Neel is in custody.

Will there be a request to expedite the appeal?

Yes ☒ No

(Note: This does not alleviate the requirement of filing a motion to expedite which must be done in
accordance with FRAP 27).

* If transcript(s) required, a transcript designation and ordering form must be completed and the
court reporter(s) contacted to make arrangements for transcription.

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1

FILED

08 JUL -7 AM 9:14
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

MARK NEEL (2)

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 07CR3355-LAB

ROBERT REXRODE

Defendant's Attorney

REGISTRATION NO. 06546298

☐

THE DEFENDANT:

☐ pleaded guilty to count(s)

☒ was found guilty on count(s)
after a plea of not guilty.

ONE AND TWO OF THE INDICTMENT

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Count Number(s)
8 USC 1324(a)(2)(B)(ii)	BRINGING IN ILLEGAL ALIENS FOR FINANCIAL GAIN	1
8 USC 1324(a)(2)(B)(iii) and 18 USC 2	BRINGING IN ILLEGAL ALIENS WITHOUT PRESENTATION AND AIDING AND ABETTING	2

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)
Count(s) _____

is ☐ are ☐ dismissed on the motion of the United States.

☒ Assessment: \$200.00

☒ Fine waived

☐ Property forfeited pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

JUNE 30, 2008

Date of Imposition of Sentence

Larry A. Burns

HON. LARRY ALAN BURNS
UNITED STATES DISTRICT JUDGE

entered 7/7/08

07CR3355-LAB

AO 245B (Rev. 9/00) Judgment in Criminal Case
Sheet 2 — Imprisonment

DEFENDANT: MARK NEEL (2)
CASE NUMBER: 07CR3355-LAB

Judgment — Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 70 MONTHS, EACH COUNT, CONCURRENT

☒ The court makes the following recommendations to the Bureau of Prisons:
THE DEFENDANT SHALL PARTICIPATE IN THE 500 HOUR DRUG PROGRAM AND BE PLACED IN A FACILITY IN THE STATE OF TEXAS.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

07CR3355-LAB

AO 245D (Rev. 12/03) Judgment in a Criminal Case for Revocations
Sheet 3 — Supervised Release

DEFENDANT: MARK NEEL (2)
CASE NUMBER: 07CR3355-LAB

Judgment—Page 3 of 4

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
3 YEARS, EACH COUNT, CONCURRENT

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer pursuant to 18 USC 3583(d).

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

07CR3355-LAB

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 3 — Continued 2 — Supervised Release

DEFENDANT: MARK NEEL (2)
CASE NUMBER: 07CR3355-LAB

Judgment—Page 4 of 4

SPECIAL CONDITIONS OF SUPERVISION

- ☒ Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer or any state, local or federal officer. Court finds the defendant's history and stealth involved in the case justifies additional restrictions on the defendant's 4th amendment rights.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer with 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☒ Not enter the Republic of Mexico.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☒ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within _____ days.
- ☐ Complete _____ hours of community service in a program approved by the probation officer within _____
- ☒ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of 120 days
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of _____ commencing upon release from imprisonment.
- ☐ Remain in your place of residence for a period of _____, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☐ Comply with the conditions of the Home Confinement Program for a period of _____ months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer.

07CR3355-LAB

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:Burkelaw1@sbcglobal.net, Burkeslaw@pacbell.net,
Steve.Miller2@usdoj.gov, Maria.Richardson@usdoj.gov,
efile.dkt.gcl@usdoj.gov, robert_rexrode@rexrodelawoffices.com,
roseanna_stovall@casd.uscourts.gov, dehaanesq@cox.net,
efile_Burns@casd.uscourts.gov
Message-Id:<2693307@casd.uscourts.gov>
Subject:Activity in Case 3:07-cr-03355-LAB USA v. Stauffer et al
Sentencing
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.'

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 7/2/2008 at 11:36 AM PDT and filed on 6/30/2008

Case Name: USA v. Stauffer et al

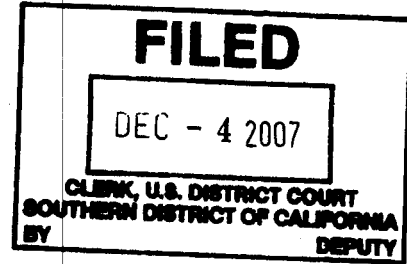
Case Number: 3:07-cr-3355

Filer:

Document Number: 54(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Larry Alan Burns: P/O Report and Sentencing held on 6/30/2008 for Mark Neel (2). Counts 1, 2 - Bureau of Prisons for 70 months, each count, concurrent, supervised release 3 years, each count, concurrent, no fine, assessment \$100.00 per count, total \$200.00. (Court Reporter EVA OEMICK).(Plaintiff Attorney Stephen Miller).(Defendant Attorney Robert Rexrode). (tlw)



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of
Substitution of Counsel,


ROBERT H. REXRODE, III, Esq.

**ORDER
FOR SUBSTITUTION OF COUNSEL
AND NOTICE OF APPEARANCE**

IT IS HEREBY ORDERED that Robert H. Rexrode, III, upon her departure from Federal Defenders of San Diego, Inc., and entering into private practice at 427 West C Street, Suite 300, San Diego, California, 92101, Phone (619) 233-3169, Fax (619) 330-4521, Email robert_rexrode@rexrodelawoffices.com be substituted as appointed counsel and that Federal Defenders be relieved in the following cases as listed in the attached, effective after November 30, 2007.

SO ORDERED.

DATE: December 4, 2007


HONORABLE IRMA E. GONZALEZ
Chief Judge, United States District Court
Southern District of California

**CASES TRANSFERRED FROM FEDERAL DEFENDERS OF SAN DIEGO, INC., TO
ROBERT H. REXRODE, III, ESQ., CALIFORNIA BAR NO. 230024
AS APPOINTED COUNSEL OF RECORD EFFECTIVE AFTER DECEMBER 1, 2007**

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

CASE NAME

CASE NO., NEXT COURT DATE, JUDGE

U.S. v. Mario Barron-Galvan	07cr3173-H	12/18/07	PLEA	MLH
U.S. v. Perla Masiel Leon-Estrada	07cr3087-DMS			
U.S. v. Blanca Estrella Garcia	07mj2511-01	02/15/08	SENT	DMS
U.S. v. Neri Isidro Carrasco	07cr3007-L	12/03/07	MHTS	MJL
U.S. v. Virgilio A. Medina	01cr2051-W	12/03/07	OSC	TJW
U.S. v. Mark Alan Neel	07mj2653-02	12/13/07	PE	NLS
U.S. v. William Thomas Aston	06cr1683-WQH-01			
U.S. v. Janet Gonzalez	07mj2669	12/13/07	PE	NLS
U.S. v. Miguel Angel Garcia-Duarte	07mj2671	12/13/07	PE	NLS
U.S. V. Carmelo Beas-Hernandez	07cr2098-LAB-01	12/11/07	OSC	LSP
U.S. v. Richard W. Gearhart	07mj2680	12/04/07	PE	NLS
U.S. v. Noe Antonio Enriquez	07cr2436-BTM	02/08/08	SENT	BTM
U.S. v. Liborio Calixto-Castro	07cr2555-DMS	01/11/08	SENT	DMS
U.S. v. Yvonne Ann Martinez	07mj2688	12/04/07	PE	JMA
U.S. v. Miguel Cedeno-Martinez	07mj2658-01	12/13/07	PE	NLS
U.S. v. Jose Baudlio Gastelum, Jr.	07mj8932	12/04/07	PE	PCL
U.S. v. Luis Juan Conchas	07cr0898-LAB	01/28/08	SENT	LAB
U.S. v. Ivan Oliver George	07cr0204-JAH	03/03/08	MTN	JAH
U.S. v. Javier Soto-Castro	07mj8945	12/06/07	PE	PCL
U.S. v. Julio Hernandez-Morales	07cr2716-W	01/15/08	SENT	TJW
U.S. v. Eduardo Hernandez-Bahena	07cr2674-DMS			DMS
U.S. v. Eduardo Hernandez-Bahena	07cr2871-DMS	01/18/08	MHTS	DMS
U.S. v. Larry Duane Hoze	06cr2279-BEN-01	01/22/08	OSC	BEN
U.S. v. Larry Duane Hoze	07cr2285-BEN	01/22/08	SENT	BEN

1	U.S. v. Javier De La Cruz-Medina	07cr0272-DMS	12/14/07	SENT	DMS
2	U.S. v. Fidel Landa-Sanchez	07cr1438-H	12/03/07	SENT	MLH
3	U.S. v. Carlos Estrada-Jimenez	07cr3209-JLS	12/21/07	MHTS	JLS
4	U.S. v. Kevin Tod Frazier	07cr1960-DMS	12/21/07	SENT	DMS

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
SOUTHERN DISTRICT CASES ON APPEAL**

CASE NAME

CASE NOS.

STATUS

U.S. v. Lamont Craig Biggs

07-50490, 02cr0597-GT

Opening Brief due 1/29/08

End of District Court Cases on Appeal

Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals
From: U.S. District Court, Southern District of California
Subject: New Appeals Case Information & Docket Fee Notification

Date: 07/7/08

Case Information

Case Title: United States of America v. Mark Neel
 U.S.D.C. No.: 07cr3355 LAB - 2 U.S.D.C. Judge: Larry Alan Burns
 Complaint/Indictment/Petition Filed: Indictment
 Appealed Order Entered: 7/7/2008
 Notice of Appeal Filed: 7/7/2008
 Court Reporter: Eva Oemick

COA Status: ☐ Granted in full/part (appeal only) ☐ Denied (send clerk's file)

Docket Fee Notification

Docket Fee: ☐ Paid ☐ Not Paid ☒ No Fee Required

USA/GOVT. APPEAL: ☐ Yes ☒ No

Date F/P granted (Show Date and Attach Copy of Order): _____

Was F/P Status Revoked? ☐ Yes ☐ No

Companion Case(s): (Please list consolidated cases, if applicable) _____

Counsel Information

Appellant Counsel:

Robert H Rexrode, III

427 C Street
 Suite 300
 San Diego, CA 92101

(619) 233-3169

Appellee Counsel:

Stephen Frederick Miller
 US Attorneys Office, Southern District of CA

880 Front Street
 Room 6293
 San Diego, CA 92101

(619) 557-5610

Counsel Status: ☐ Retained ☒ Appointed ☐ Pro Se

Appointed by: Jeffrey T. Miller
 (Attach copy of order/minutes)

Defendant Information

Prisoner ID Number: 06546298

Bail: _____
 Custody: _____ x _____

SERVICE LIST

Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:

x	Transmittal of U.S.C.A. (Appellant and Appellee)
x	Case Information/Docketing Fee Notification Form. (Appellant Only)
x	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
x	Docket Entries (Appellant and Appellee)
x	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
x	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
x	Other: Judgment entered 7/7/2008, NEF Sentencing Minutes entered 7/2/2008, Order Appointing Counsel entered 12/4/2007

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

Lauren Hammer

Deputy's Name

L. Hammer

Deputy's Signature

UNITED STATES DISTRICT COURT

Southern District Of California
 Office Of The Clerk
 880 Front Street, Room 4290
 San Diego, California 92101-8900
 Phone: (619) 557-5600
 Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
 Clerk of Court

To: Clerk, U.S. Court of Appeals
 P.O. Box 193939
 San Francisco, CA 94119-3939

Re: **USCA No:**
USDC No: 07cr3355 LAB - 2
USA v. Neel

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

x	Copy of the Notice of Appeal	x	Docket Entries
x	Case Information/Docket Fee Payment Notification Form		
x	Order for Time Schedule (Criminal)		
	Original Clerk's Record in	set(s) of	volume(s).
	Reporter's transcript's transcripts in	set(s) of	volume(s).
	Exhibits in	envelope(s)	box(es) folders(s)
x	Judgement Order		F/P Order
	CJA Form 20		Minute Order
	Certificate of Record		Mandate Return
	Magistrate Judge's Report and Recommendation		
	COA Order		
	Amended docket fee notification form		
	Order Appointing Counsel for Appeal		
x	NEF Sentencing Minutes entered 7/2/08, Order Appointing Counsel entered 12/4/07		
x	Please acknowledge on the enclosed copy of this transmittal		

Sincerely yours,

W. Samuel Hamrick, Jr.
 Clerk of Court

By: **L. Hammer**
 Lauren Hammer, Deputy

Date: 07/7/08